

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.49683 of 2015

Arising out of PS.Case No. -39 Year- 2015 Thana -SC/ST District- JAMUI

Sanjeev Kumar Singh @ Sanjiv Kumar Singh, Son of Sri Vibhuti Narayan Singh, R/o Village Mishir Maniadda, P.O. Maniadda, P.S. + District Jamui.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

Appearance :

For the Petitioner : Mr. Bindeshwar Prasad Singh, Advocate.

For the Opposite Party : Mr. Ambika Bhagat(Spl.App)

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

4 08-02-2016 Heard learned counsels for the petitioner, informant and learned counsel for the State.

The petitioner is apprehending his arrest in connection with Jamui SC/ST P.S. Case No. 39/2015 for the offences instituted under Sections 341, 323, 504/34 of the IPC and 3(1)(x) of the SC/ST (Prevention of Atrocities) Act.

The prosecution story, in brief, is that the informant is by caste *Mushar* and Scheduled Caste and he is working as Vikas Mitra in Ward No. 11, Jamui Mahisorhi/Harnaha Block Welfare Office, Jamui, vide his Letter No. 5/K dated 06.08.15, gave direction to all the Vikas Mitra to supervise and to keep control over sanctioned work of School. The informant in the light of above said letter, came to Navin Primary School, Mahisorhi



alongwith Rohit Kumar and asked Incharge Headmaster of the School about distribution of dress, and amount of distribution of scholarship amongst students, in the meantime, some of the students of the School made complain that scholarship and dress have not been distributed since last two years then the informant asked the Headmistress Arti Kumari about scholarship, then Arti Kumari threatened him by saying who are you to ask this question and then Arti Kumari called some persons by phone. It is further stated that after 15 minutes, one person came who disclosed his name as Sanjiv Kr. Singh and told that he is resident of Maniadda and he is a teacher and he abused and assaulted the informant by means of fists and slaps and abused him by calling caste name *Mushar* and also told that Arti Kumari is his wife and also threatened for not lodging case, otherwise, he will kill his family members by setting fire in the house.

It has been submitted on behalf of the petitioner that the occurrence had taken place on 10.08.2015. The case has been instituted on 12.08.2015 for which no explanation has been made on behalf of the prosecution. From perusal of Annexure-2, it is evident that the Headmistress of the School had made complaints in respect to the informant on 05.08.2015 and to the Officer-In-Charge of Mahila Police Station, Jamui on 10.08.2015. Both the

complaints were made prior to institution of the FIR. The present case has been filed in retaliation to the complaints made in respect to the informant who used to come and harass the Headmistress of the School in a drunken state.

On behalf of the learned counsels for the informant and the State it has been submitted that the petitioner is named in the F.I.R. and has actively participated in the alleged occurrence.

Taking into account the complaints made by the Headmistress of the School against the informant prior to institution of the FIR, let the petitioner above named, be released on bail in the event of his arrest or surrender before the learned court below within a period of six weeks from today in connection with Jamui SC/ST P.S. Case No. 39/2015 on furnishing bail bond of Rs. 10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned A.C.J.M., Jamui, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

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(Sudhir Singh, J)